

## **REMARKS**

This amendment is in response to the Office Action dated November 13, 2006. Because this response is filed on May 14, 2007 (May 13, 2007 being a Sunday) with a three-month extension of time and a Request for Continued Examination, the amendment is timely filed and shall be considered.

### **I. Status of the Amendments**

Prior to this amendment, claims 34, 35, 38, and 55-67 were pending. By this amendment, claims 34 and 35 were amended, and claim 67 was canceled without prejudice to refile. Consequently, claims 34, 35, 38, and 55-66 are presently pending. No fee is due.

### **II. Response to November 13 Office Action**

Claims 34, 35, 38, 55-58 and 60-67 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Pascal et al. (PCT Publ. No. WO 98/00210) in view of Giacalone, Jr. (U.S. Patent No. 5,758,875), while claim 59 is rejected as allegedly unpatentable over Pascal et al. in view of Giacalone, Jr. further in view of Okada (U.S. Patent No. 4,508,345). Applicant has the following remarks.

In the November 13 Action, it is suggested that the limitation of “altering the rate of play automatically in response to at least one selected game outcome of at least one game of chance” is present in Pascal et al. In particular, it is alleged that because the “players are rewarded for how rapidly they play during the tournament play therefore the outcome of the game causes a change in the rate of play.” Applicants respectfully disagree, and note that the limitation recited that the *permitted* rate of play, not the *actual* rate of play, is changed in response to at least one *selected* game outcome, not just *any game outcome*.

However, to highlight the distinction, applicants have amended claim 34 to recite that the change occurs in response to “one occurrence of a game outcome of a plurality of game outcomes that may result when the at least one game of chance is played matching a preselected game outcome from the plurality of game outcomes, the preselected game

outcome preselected without regard to a payout associated with the preselected game outcome.” According to the subject matter of claim 34, it is not winning outcomes associated with a plurality of games that cause the altering of the rate of play, but rather the one occurrence of an outcome (e.g., a straight flush, if the game is poker) from the plurality of possible outcomes (e.g., two of a kind, three of a kind, four of a kind, etc.) that may result when the at least one game of chance (e.g. poker) is played. Moreover, that one occurrence must match a preselected game outcome that is selected without regard for a payout associated with the outcome. That is, the preselected outcome may provide an award when it occurs, but it may not (e.g., it may be a non-winning combination). See paragraph [0071], for example.

Consequently, the combination of Pascal et al. and Giacalone, Jr. does not disclose each and every limitation of claim 34. Thus, to the extent that the rejection of claim 34 cannot be maintained, for the reasons provided above, neither can the rejections of claims 35, 38, and 55-66, at least by virtue of the dependence of these claims from claim 34.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. In any event, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 29757/AG32-CIP.

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Respectfully submitted,

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